

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FIREMAN'S FUND INSURANCE COMPANY,  
As Subrogee of Hodan Properties, Inc.  
Plaintiff

Vs.

FIRE SYSTEMS, INC.,  
FIRE SUPPRESSION SYSTEMS OF  
NEW ENGLAND, INC.,  
PRO CON, INC.  
and BRIERE & PAQUETTE, INC. f/k/a  
PAQUETTE ELECTRIC CO., INC.,  
Defendants

**CASE NUMBER 1:04-11578 LTS**

**DEFENDANT PAQUETTE ELECTRIC CO., INC.'S  
MOTION FOR LEAVE TO CALL WITNESS  
S. DUPLISEA ON OR AFTER OCTOBER 3, 2006  
OR FOR BRIEF DELAY OF TRIAL**

At June 1, 2006 status conference of this case, the Court scheduled trial for September 18, 2006. The parties estimated two weeks, though the Court has held its calendar open for the third week [October 2-6]. (Yom Kippur is Monday, October 2. No proceedings are scheduled for that day.)

Scott Duplisea, an employee of TEC Control Systems, Inc., conducted extensive testing of the equipment installed by Paquette at the scene of this water damage loss, including all switches and alarms. His expected testimony that the devices were functional is crucial to the defense of Paquette (and Fire Suppression Systems, as well, to some extent). Also, his extensive experience with alarms for sprinkler systems may support introduction of expert evidence from Mr. Duplisea.

Subsequent to the June 1 conference, Paquette's counsel has learned that Mr. Duplisea is to be married on September 16, 2006. He has long-standing plans and travel arrangements for his honeymoon in Florida from September 16 to September 30, 2006. Thus, he will not be available to testify until October 3 or thereafter.

In all likelihood, the trial will be ongoing and Mr. Duplisea may appear on October 3 or thereafter. However, in the unlikely event that the parties' estimate that trial would take two weeks turns out to be conservative and that evidence has been concluded, Paquette respectfully requests that trial be suspended to allow appearance by Mr. Duplisea on October 3. In the alternative, Paquette moves that the commencement of trial be delayed a few days to assure that it is ongoing when Mr. Duplisea becomes available.

Respectfully submitted,  
By its Attorneys,

Date: June 12, 2006

s/ David D. Dowd  
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**Certificate of Service**

I, David D. Dowd, hereby certify that a true copy of the foregoing pleading was served by first class mail, postage prepaid, directed to:

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Date: June 12, 2006

s/ David D. Dowd  
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David D. Dowd